

CHAPTER 8 APPOINTMENTS

[Prior to 11/5/86, Merit Employment Department[570]]

581—8.1(19A) Filling vacancies. Unless otherwise provided for in these rules or the Iowa Code, the filling of all vacancies in the state personnel system shall be subject to the provisions of these rules. No vacant position in the executive branch shall be filled until the position has been classified in accordance with Iowa Code chapter 19A and these rules.

An employee who has participated in the phased retirement program shall not be eligible for permanent employment for hours in excess of those worked at the time of retirement. An employee who has participated in the early retirement or early termination program shall not be eligible for any state employment.

A person who has served as a commissioner or board member of a regulatory agency shall not be eligible for employment with that agency until two years after termination of the appointment.

581—8.2(19A) Probationary appointment. Probationary appointments may be made only to authorized and established positions unless these rules provide otherwise. Appointments to positions covered by merit system provisions shall be made in accordance with 581—Chapter 7 when applicable.

581—8.3(19A) Project appointment. The director may approve a project appointment to a position when a particular project, grant, contract, or similar situation is of temporary duration or funding. Certification shall be in accordance with 581—Chapter 7 when applicable. Persons appointed shall be given temporary status and shall be subject to these rules, as they pertain to the rights of temporary employees, and shall acquire benefits in accordance with the number of hours worked. The initial appointment of an individual to any one particular project will be approved for no more than one year. If requested, the director may extend the appointment. At the expiration of the appointment the employee shall be terminated without right of appeal. Project appointees may apply to be on eligible lists in accordance with 581—subrule 5.2(4).

581—8.4(19A) Provisional appointment. If the director is unable to certify the names of at least six available applicants from a nonpromotional eligible list for a position covered by merit system provisions, an appointing authority may provisionally appoint a person who meets the minimum qualifications for the class to fill the position pending the person's examination, certification and appointment from a nonpromotional eligible list.

No provisional probationary appointment shall be continued for more than 30 calendar days after an adequate eligible list has been established, nor for more than a total of 180 calendar days after the date of original appointment. No provisional intermittent appointment shall be continued for more than 30 calendar days after an adequate eligible list has been established, nor for more than a total of 120 calendar days after the date of appointment.

Successive provisional appointments shall not be permitted. An employee with provisional status shall not be eligible for promotion, demotion, transfer, or reinstatement to any position nor have reduction in force or appeal rights, but provisional probationary employees shall be eligible for vacation and sick leave and other employee benefits.

An employee shall receive credit for time spent in provisional status toward the period of probationary status.

581—8.5(19A) Intermittent appointment. Persons may be appointed with intermittent status without regard to merit system provisions.

Intermittent appointments may be made to established intermittent positions or to permanent positions, or on an overlap basis to unauthorized positions, and may be made to any class and at any rate of pay within the range for the class to which appointed.

An intermittent appointment shall not exceed 700 work hours in a fiscal year. Hours worked in non-contract classes during the period provided for seasonal appointment in rule 581—8.11(19A) shall not accumulate toward this 700-hour maximum.

An intermittent employee may be given a probationary appointment in accordance with 581—subrule 7.3(2).

An intermittent employee shall have no rights to appeal, transfer, demotion, promotion, merit pay increases, reinstatement, or other rights of position, nor be entitled to vacation, sick leave, or other benefits.

A person appointed with intermittent status to classification covered by a collective bargaining agreement shall only be given another temporary type of appointment to the extent that the total number of hours worked in all temporary appointments in a fiscal year does not exceed 700 hours. Prior to accumulating 700 hours worked, the employee shall either be given a probationary appointment, given a temporary appointment in a noncontract class, or terminated.

581—8.6(19A) Reinstatement. A permanent employee who left employment for other than just cause may be reinstated with permanent or probationary status to any class for which qualified at the discretion of an appointing authority. Reinstatement shall not require certification from a list of eligibles. The period of reinstatement eligibility shall be equal to the period of continuous state employment immediately prior to the employee's separation, to a maximum of two years. Current employees and employees who have retired from state government shall not be eligible for reinstatement. Retired former employees may, however, apply for employment in accordance with 581—paragraph 5.2(4) "b."

A permanent employee who demotes may at any time be reinstated to a position in the class occupied prior to the demotion at the discretion of the appointing authority. Reinstatement shall not require certification from a list of eligibles.

Former employees who are reinstated shall accrue vacation at the same rate as at the time they separated from state employment, and the employee's previous vacation anniversary date minus the period of separation shall be restored. This paragraph shall be effective retroactive to January 1, 1995.

581—8.7(19A) Emergency appointment. The director may authorize appointing authorities to make emergency appointments to positions. Emergency appointments may be made to any class and at any rate of pay within the range for the class to which appointed. Emergency appointments shall not exceed 350 hours for any one person in any one fiscal year.

Persons may be appointed with emergency status without regard to merit system provisions and shall have no rights to appeal, transfer, promotion, demotion, merit pay increases, reinstatement, or other rights of position, nor be entitled to vacation, sick leave, or other benefits.

A person appointed with emergency status to a classification covered by a collective bargaining agreement shall not work in excess of 350 hours in that status in such a class or classes, nor shall that person accumulate more than 700 hours worked in any combination of temporary statuses in any agency or any combination of agencies during a fiscal year.

581—8.8(19A) Appointments to work-test classes. Persons appointed to positions in work-test classes as provided for in Iowa Code section 19A.9, subsection 23, may be given either probationary, intermittent, emergency, or trainee status, according to provisions in these rules, and shall be subject to rules and acquire benefits according to their status. Employees who have attained permanent status and are subsequently demoted, transferred, or promoted to another permanent position in a work-test class shall retain their permanent status. Persons appointed to positions covered by merit system provisions shall be required to meet the minimum qualifications for the class, but will not require examination or certification.

581—8.9(19A) Trainee appointment. The director may authorize an appointing authority to make a trainee appointment to a permanent position covered by merit system provisions of a person who does not meet the minimum qualifications for the class. The trainee shall be a bona fide student in an accredited educational institution, or enrolled in an agency-affiliated training program approved by the director, and have successfully completed at least one semester, or its equivalent, of instruction. Appointees must be at least 14 years of age and possess work permits if required. Appointment may be continued up to three semesters or its equivalent, in a two-year period. Employees with trainee status shall have no rights of appeal, transfer, demotion, promotion, reinstatement, or other rights of position; nor be entitled to vacation, sick leave, or other benefits.

581—8.10(19A) Internship appointment. The director may authorize an appointing authority to make an internship appointment to an established position, or if funds are available, to an unauthorized position.

8.10(1) Internship appointments to the class of administrative intern may be made for a period not to exceed one year unless otherwise authorized by the director. Internship appointments to the class of transportation engineer intern shall expire upon attainment of an undergraduate degree.

8.10(2) Employees with internship status shall have no rights of appeal, transfer, demotion, promotion, reinstatement, or other rights of position, nor be entitled to vacation, sick leave, or other benefits of state employment, nor shall credit be given for future vacation accrual purposes.

8.10(3) Successful completion of an internship appointment of at least 120 contact hours shall authorize the appointee to be certified from a promotional list for any job class for which the appointee has submitted an application and qualifies. Only persons formally enrolled in the department's intern development program are eligible to be on promotional lists. Successful completion shall be as determined by the director at the time of enrollment. An intern's name may remain on the promotional list for up to two years. If an appointment has not been made by the end of the two-year period, the name will be removed from the list. The intern may then reapply through the standard nonpromotional process. After initial selection from a promotional certificate, the intern's name shall be removed from all promotional lists until permanent status has been attained.

581—8.11(19A) Seasonal appointment. The director may authorize appointing authorities to make seasonal appointments to positions. Seasonal appointments may be made to any class and at any rate of pay within the range for the class to which appointed. Seasonal appointments may, however, be made only during the seasonal period approved by the director for the agency requesting to make the appointment, and must be concluded by the end of that period. To be eligible to make seasonal appointments, the appointing authority must first submit a proposed seasonal period to the director for approval. Such period shall not exceed six months in a fiscal year.

Persons may be appointed with seasonal status without regard to merit system provisions, and shall have no rights of appeal, transfer, promotion, demotion, reinstatement, or other rights of position, nor be entitled to vacation, sick leave, or other benefits.

A person appointed with seasonal status to a classification covered by a collective bargaining agreement shall not work in excess of 700 hours in that status in such a class or classes, nor shall that person accumulate more than 700 hours worked in any combination of temporary statuses in any agency or any combination of agencies during a fiscal year.

581—8.12(19A) Overlap appointment. When it is considered necessary to fill a position on an overlap basis pending the separation of an employee, the appointment of a new employee may be made in accordance with these rules for a period not to exceed 30 calendar days. An overlap appointment must be in the same class as the authorized position being overlapped, unless otherwise approved by the director. Any overlap appointment for a longer period must first be approved by the director.

581—8.13(19A) Rescinding appointments. If, after being appointed, it is found that an employee should have been disqualified or removed as provided for in 581—subrules 5.2(6), 5.2(7), 6.5(2) “d,” or rule 581—7.7(19A), the director may rescind the appointment. An employee with permanent status may appeal the director’s decision to the public employment relations board. The appeal must be filed within 30 calendar days after the date the director’s decision was issued. Decisions by the public employment relations board constitute final agency action.

These rules are intended to implement Iowa Code section 19A.9.

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